IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.Rev.Pet.No. 139 of 2007()

CC.1001/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

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REVN. PETITIONER: ACCUSED

PREETHA KUMARI,
NEDUVAMBADY VEEDU,
MANNAR P.O., CHENGANOOR.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. S.V. PRASAD,
   SREEVALSAM HOUSE, KUTTAMPEROOR P.O., MANNAR.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI
SRI.N.ASHOK KUMAR
SMT.MARIAMMA KOSHY

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.139 of 2007

Dated this the 12th day of March, 2007

ORDER

Revision petitioner is the accused in C.C. 1001/04 in the file of the JFCM-I, Chengannur. The counsel for the revision petitioner has sought for setting aside the order of the court below dismissing her application seeking to forward the impugned cheque for expert opinion. The court below has observed that the evidence of the prosecution is over and the accused was questioned under Section 313 of Crl.P.C. and the case is posted for defence evidence.

2. The revision petitioner wants the writings in the cheque except the signature to be examined by the handwriting expert. According to her, she has given a blank signed cheque to the complainant as security for an amount of Rs.1,50,000/-.

3. I find that the matter is to be disposed of within six months from the date of filing of the complaint vide Section 143(3) of Negotiable Instruments Act. Hence, except in exceptional cases, forwarding the cheque to the handwriting expert is not contemplated. I find no merit in the revision

petition. The court below shall dispose of the matter on merits untrammeled by any observation contained in the order in CMP No. 2831/06.

The criminal revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl